



CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Friday, the 31st March, 1950

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF PAKISTAN

Friday, the 31st March, 1950

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Half Past Five of the Clock in the Evening, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

PRESENTATION OF CREDENTIALS AND SIGNING THE ROLL OF MEMBERS

Mr. President : Members who have not already presented their credentials and signed the Roll of Members will please do so now.

The following Member then presented his credential and signed the Roll of Member :

Jam Sahib Ghulam Qadir Khan of Las Bela (Baluchistan States).

QUESTION OF MOVING AN ADJOURNMENT MOTION

Mr. President : Mr. Liaquat Ali Khan.

Mian Muhammad Iftikharuddin (Punjab : Muslim) : Sir, I have given notice of an adjournment motion

Mr. President : Under what rule you have given notice of this adjournment motion ? There is no provision for an adjournment motion in the Constituent Assembly when it sits as a Constitution-making body.

Mian Muhammad Iftikharuddin : I have given notice of my adjournment motion under Rule 23. I have a right to give notice of an adjournment motion. It relates to a matter which concerns the Constituent Assembly.

Mr. President : This is not the meaning of that rule.

Mian Muhammad Iftikharuddin : Then, Sir, may I know the meaning of that rule ?

Mr. President : It is not the proper place for me to interpret the rules. I can at the present moment only give you the result of my understanding of the rules. Rule 23 runs thus :

“There shall be no motion for an adjournment of the Assembly for the purpose of discussing any matter not included in the Orders of the Day.”

Mian Muhammad Iftikharuddin : The subject-matter of my adjournment motion is directly connected with what we are going to discuss later. Therefore, I submit, that it is quite in order.

Mr. President : That explanation is not correct. If you had patience only for two seconds, your object would have been achieved because the motion would have been moved. When the motion has been moved, you will have an opportunity to say about it whatever you may like.

Mian Muhammad Iftikharuddin : Allow me to submit, Sir, that if that was the object of this rule, there was no need to mention anything about an adjournment motion.

Mr. President : Please listen to me. Your point is that if the intention was that adjournment motions should not be allowed, there would have been no necessity for this rule at all. That is your contention. But I may point out to you that adjournment motions are in the nature of censure motions and censure motions can be brought only against the Government. Here in this House the Government does not function as Government at all. All the members have equal rights here ; no member functions as a representative of the Government. Therefore, there is no

[Mr. President]

meaning in moving an adjournment motion in a House like this. That is why there is no provision for an adjournment motion. The object of this rule is to provide that in the Constituent Assembly there shall be no adjournment motion. Then, the rule says :

"There shall be no discussion on any matter not included in the Orders of the Day."

Adjournment motions are not included in the Orders of the Day. Therefore, the adjournment motions are ruled out by this rule, not that it provides that adjournment motions can be moved.

Mian Muhammad Iftikharuddin : Allow me to submit, Sir, that the first point that you have made, namely, that an adjournment motion by its very nature is a censure motion, is not correct. Adjournment motions are brought in ordinary Legislatures in order to bring to the notice of the Party or the Government that the matter is of immediate urgency and importance. In the present case we are not discussing what has happened, but what I want to say is that an adjournment motion is not necessarily a censure motion. In nine cases out of ten adjournment motions are never voted upon. They are first discussed ; the point is raised and the point of view of the Opposition is put.

Mr. President : That is a different thing.

Mian Muhammad Iftikharuddin : I am only submitting, Sir, that it is not necessary that an adjournment motion should always be a censure motion. On the contrary, an adjournment motion in nine cases out of ten is not a censure motion.

In the second place, had no permission whatsoever been given for adjournment motions, this rule 23 would not have been there at all. As a matter of fact, that rule is there for a particular purpose. I feel the discussing the resolution standing in the name of the Honourable Mr. Liaquat Ali Khan will do harm to the country. Therefore, I want to convince the Assembly that it will be a mistake to allow that resolution to be discussed. This is very clear, otherwise the framers of these rules would not have mentioned the words 'adjournment motion'. Adjournment motion is something recognised in the Constituent Assembly, but an adjournment motion can be moved only if it is connected with the subject that is going to be discussed later. It is to be moved because a member may think that if a particular subject is discussed or is brought before the Constituent Assembly, a great harm may be done to the country.

Shri Dharendra Nath Datta (East Bengal : General) : May I draw your attention, Sir, to sub-rule (5) of rule 22 ? Sub-rule (5) runs thus :

"No notice shall be required for a motion for an adjournment of the Assembly."

That evidently means that the adjournment of the Assembly is allowed and no notice is necessary, otherwise there was no necessity of sub-rule (5) (a). Evidently, it means that an adjournment motion is allowed.

Mr. President : First of all, I shall deal with the point raised by Mian Sahib. Mian Sahib's contention is that adjournment motions are not necessarily censure motions. So far as my experience goes, adjournment motions are censure motions. They may not be put to vote on certain occasions. The Member who moves such a motion may think that he is not likely to succeed if it is voted upon. That may be one of the reasons why a motion is not actually put in a particular case, but that does not take away the character of such motions. Such motions can be brought only when there is some business to be performed in the House, as a kind of censure against the authorities concerned for not

having taken proper steps with regard to certain occurrences or circumstances. That is the whole object of a censure motion. I do not agree with Mian Sahib that adjournment motions are not censure motions.

Secondly, the interpretation that Mian Sahib wants to put on clause 23, to my mind, seems to be an absurd one. I shall again read out rule 23, which runs thus :—

“There shall be no motion for an adjournment of the Assembly for the purpose of discussing any matter not included in the Orders of the Day.”

Main Sahib's argument is that a motion like that cannot be brought for discussing any matter not included in the Orders of the Day, but a motion like this can be brought for discussing a matter included in the Orders of the Day. Does it not amount to absurdity? If there is a matter which is included in the Orders of the Day he will get an opportunity to discuss it; therefore, there is no sense in bringing forward an adjournment motion. I, therefore, decide against Mian Sahib's....

(At this stage Mian Iftikharuddin rose to speak.)

Mr. President : Order, order.

Then, as regards Mr. Datta's contention I fully agree with him. He has referred to rule 22, sub-rule (5), which says :—

“22 (5) No notice shall be required—

(a) for a motion for an adjournment of the Assembly.”

That is not a motion for adjournment like what Mian Sahib refers to. This is a motion for adjournment for the sake of convenience. For some good reason if a member thinks that a particular matter should not be considered or that the House should be adjourned he can move an adjournment motion without any notice at any time. But such a motion is not an adjournment motion for the purpose of discussing a matter of urgent public importance of recent occurrence.

Mian Muhammad Iftikharuddin : That is perfectly correct but there is one point which I want to put before you. (*Interruptions.*) Allow me at least to put my view-point.

Mr. President : You can do so if there is anything new to be said.

Mian Muhammad Iftikharuddin : I was saying that it is perfectly correct, as you have observed, that they are adjournment motions of a formal nature, like the one we had on the death of the Quaid-i-Azam when we adjourned the House; we adjourned the House on the death of Maulana Shabbir Ahmad Usmani—we adjourned the House on other occasions. That is what Mr. Datta has pointed out but there is another type of adjournment motion which can be brought on the questions that are to be discussed here.

Mr. President : What is your ground for thinking so?

Mian Muhammad Iftikharuddin : You called it ridiculous, Sir, when I said that the matter which is to be discussed is to be the same matter as will be later on discussed, but, Sir, there is a distinction. My adjournment motion seeks to put the point of view is that if this matter is discussed it will prove harmful for the country.

Mr. President : That is a separate question. Then you may simply move that the House may adjourn and then you give your reasons for such adjournment.

Mian Muhammad Iftikharuddin : That is why I move that the House should be adjourned. (*Interruptions.*) Then Sir, there is another point, namely, that so much independence is given to the members of the Constituent Assembly that whereas the Rules of the Constituent Assembly (Legislature) make it absolutely essential that 12 members should stand

[Mian Muhammad Iftikharuddin]
up before a motion for adjournment is allowed to be discussed, in the case of the Constituent Assembly an individual member—even a single member—can get up and move a motion.

Mr. President : This is not at all relevant. I have already given my ruling. You have misread the rules. (Mian Iftikharuddin rose to move his motion). Order, order.

Mian Muhammad Iftikharuddin : (*Interruptions*). May I move my motion ?

Mr. President : No, let Mr. Liaquat Ali Khan move his motion first and then you can ask for adjournment. (*Continued interruptions.*)

Shri Dharendra Nath Datta : Nobody should be allowed to assume the authority of the Chair.

Mian Muhammad Iftikharuddin : Barking would not make any difference !

Dr. Mahmud Husain (East Bengal : General) : I do not know who has been barking !

RESOLUTION RE. CO-OPTION OF CERTAIN MEMBERS FROM PUNJAB

Mr. President : Mr. Liaquat Ali Khan.

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) : Sir, I move :

“That this Assembly do co-opt as Members of the Constituent Assembly of Pakistan, under the provisions of Rule 6 (10) read with Rule 6A of the Constituent Assembly Rules, the following persons, namely—

- (a) 1. Sufi Abdul Hamid, Women's House, Female Jail, Lahore ;
2. Chaudhri Ali Akbar, Advocate, Govindpura, Lyallpur ;
3. Shaikh Sadiq Hasan, 48, Lower Mall, Lahore ;
4. Mr. Ghulam Bhik Nairang, 29-A, Queens Road, Lahore ;
5. Mr. Abdul Wahid Khan, Central Arms and Autos Stores, Nila Gumbad, Lahore ;

to fill the additional seats allotted to the Muslims of the Punjab in the Constituent Assembly of Pakistan ;

(b) Mr. Mushtaq Ahmad Gurmani, 18, Victoria Road, Karachi ;
to fill the seat rendered vacant by the death of the Quaid-i-Azam Mohammad Ali Jinnah, in the Constituent Assembly of Pakistan ;

- (c) Mr. B. L. Rallia Ram, President, All-Pakistan Christian League, c/o Y. M. C. A., Havelock Road, Lahore,

to fill one of the three General seats allotted to the Punjab in the Constituent Assembly of Pakistan.”

Mr. President : Motion moved :

“That this Assembly do co-opt as Members of the Constituent Assembly of Pakistan, under provisions of Rules 6 (10) read with Rule 6A, of the Constituent Assembly Rules, the following persons, namely—

- (a) 1. Sufi Abdul Hamid, Women's House Female Jail, Lahore ;
2. Chaudhri Ali Akbar, Advocate, Govindpura, Lyallpur ;
3. Shaikh Sadiq Hasan, 48, Lower Mail, Lahore ;
4. Mr. Ghulam Bhik Nairang, 29-A, Queens Road, Lahore ;
5. Mr. Abdul Wahid Khan, Central Arms and Autos Stores, Nila Gumbad, Lahore ;

to fill the additional seats allotted to the Muslims of the Punjab in the Constituent Assembly of Pakistan

(b) Mr. Mushtaq Ahmad Gurmani, 18, Victoria Road, Karachi ;
to fill the seat rendered vacant by the death of the Quaid-i-Azam Mohammad Ali Jinnah, in the Constituent Assembly of Pakistan ;

- (c) Mr. B. L. Rallia Ram, President, All-Pakistan Christian League, c/o Y. M. C. A., Havelock Road, Lahore,

to fill one of the three General seats allotted to the Punjab in the Constituent Assembly of Pakistan.”

Shri Sris Chandra Chattopadhyaya (East Bengal : General) : Mr. President, I wish to raise a preliminary objection about this Resolution.

Mr. President : Is it a point of order ?

Shri Sris Chandra Chattopadhyaya : It is practically a point of order.

Mr. President : What is that ?

Shri Sris Chandra Chattopadhyaya : I find that the Resolution wants to co-opt 7 members by this Resolution. My contention is that members cannot be co-opted, which means elected, in this manner.

Mr. President, the procedure for the filling up of casual vacancies in the Constituent Assembly has been laid down in Rule 6 ; I mean casual vacancies by reason of death, resignation or otherwise. For some reasons some additional members have been sanctioned for the Punjab, and Rule 6A was inserted to show how additional members are to be elected. Rule 6A reads :—

“6A. If additional seats are created in the Assembly by an Act of the Assembly, they shall be filled in accordance with the procedure laid down in Rule 6.”

Additional members are also to be elected under Rule 6.

Now Rule 6 lays down the procedure how members of the Constituent Assembly are to be elected by the members of the Provincial Assemblies, but there are some difficulties in the Punjab. There is no Provincial Assembly there and there is no knowing when the Provincial Assembly will be formed in the Punjab. To avoid difficulties a new rule is added that instead of the Provincial Assembly the Constituent Assembly shall co-opt the members. Provincial Assembly is not there.

Mian Muhammad Iftikharuddin (Punjab : Muslim) : Sir, on a point of order.

Mr. President : There cannot be a point of order to another point of order.

Shri Sris Chandra Chattopadhyaya : Therefore to avoid that difficulty clause (10) is added after sub-rule (9) of rule 6 of the Constituent Assembly Rules, which reads as follows :

“Where the vacancy is in the office of the Member of the Constituent Assembly and the Legislative Assembly of the Province which is to elect the Member is not in existence the Constituent Assembly shall co-opt a person domiciled in Pakistan and owing allegiance to Pakistan and to no other State but a person so co-opted shall cease to be a Member as soon as a Member is elected by the Legislative Assembly concerned in accordance with the procedure laid down in rule 6(9).”

Here for the Provincial body the Constituent Assembly is authorised to elect the Members, but rule 6 is not abrogated. The rules are there ; how the Members are to be elected only the Constituent Assembly is authorized to elect instead of the Provincial body. But here after the insertion of clause (10) no rules have been framed as to how these Members are to be co-opted—fresh rules are not framed as to how they are to be elected—therefore it means that they will be elected in accordance with rule 6 of the Constituent Assembly Rules. In case these rules were not to apply in this case, this ought to have been mentioned or the way in which they are to be elected ought to have been moved. Therefore the rules which are already there will have to be followed in electing these Members and in those rules the method is there under rule 6(6) that.....

Mr. President : Yes, I have seen that.

Shri Sris Chandra Chattopadhyaya : A returning officer is to be appointed. This rule says that the person who is eligible must be domiciled in Pakistan and owing allegiance to Pakistan. It means that if there be any candidate his application is to be scrutinized whether he is eligible ; whether he is domiciled in Pakistan and whether he owes allegiance to the State. Now you will have to see whether the person eligible owes allegiance to the State or not. All persons who came or are coming here from India are not domiciled in Pakistan and they cannot be said to owe allegiance to Pakistan alone. At present many people come to Pakistan and many go to India and they cannot be said to owe allegiance to either of them. Even according to the latest statement of Mr. Liaquat Ali Khan those persons who have left Pakistan cannot be said to be subjects of India, and attempt is to be made to persuade them to return.

Mr. President : You come to the main point.

Shri Sris Chandra Chattopadhyaya : Now that point—whether he is domiciled in Pakistan or not—is to be decided : and how can it be decided unless there is scrutiny. Therefore the rules for scrutiny are there. So unless there is scrutiny it cannot be decided. I can object, anyone can object, that he is not domiciled in Pakistan. I can say he does not owe allegiance to Pakistan. Therefore this method of election is against the rules framed by the Constituent Assembly. I say rule 6 is not abrogated, only we are authorized instead of electing through the Provincial body to co-opt members. Co-option means election by a vote of the House. It is election and election for which procedure is laid down which is to be followed.

(Mian Muhammad Iftikharuddin rose in his seat.)

Mr. President : Is it a point of order ?

Mian Muhammad Iftikharuddin : I want to know whether the question as to whether the Resolution put forward by the Honourable Mr. Liaquat Ali Khan is in order will be taken up after I have moved my adjournment motion. According to your ruling my motion should come first and the motion of Mr. Liaquat Ali Khan later.

The Honourable Khan Sardar Bahadur Khan (N.-W. F. P. : Muslim) : On a point of information, Sir, may I know if the Honourable Member is in order in raising a point of order during the course of discussion on another point of order raised by the Leader of the Opposition till the same is not disposed of ?

Mian Muhammad Iftikharuddin : I am in possession of the House and I want to speak. Sir, you permitted me to move my motion for adjournment after the resolution of the Honourable Mr. Liaquat Ali Khan has been moved. As that resolution has already been moved, the question whether it is in order or not should be discussed afterwards and I should be permitted to move my motion for adjournment first.

Mr. President : I think if the resolution is not in order then it automatically goes out altogether. Therefore the point raised by Mr. Chattopadhyaya has to be disposed of first of all.

Sardar Shaukat Hyat Khan (Punjab : Muslim) : Sir, may I add a couple of points of order to those mentioned by Mr. Chattopadhyaya.

The Honourable Khan Sardar Bahadur Khan : You cannot raise a point of order to a point of order.

Mr. President : There cannot be a point of order to a point of order. If you do not agree you may say something in reply.

Sardar Shaukat Hyat Khan : I want to raise a point of order.

Mr. President : You cannot bring forward any other point of order.

The Honourable Khan Sardar Bahadur Khan : On a point of information, Sir. I want the Chair's ruling in this respect that a point of order has been raised by the Leader of the Opposition and the Chair has not been able to give a ruling on that point of order. Now, Sir, under these circumstances is it in order on the part of another Member to raise another point of order ? I think till a ruling has been given by the Chair in respect of the previous point of order already raised no fresh point of order can be raised by any other Member. I want to know whether it is permissible for another Member to raise a new point of order before you give your ruling to the previous point of order.

Mr. President : There is no such rule that prevents any Member from raising a new point of order. I am trying to economise time. Therefore let me see how many points of order are there and then I shall give my ruling together.

Sardar Shaukat Hyat Khan : First of all, Sir, as the Leader of the Opposition has contended, co-option means election according to the ordinary usage of English language which we use and understand. In this resolution the word used is "co-option," the meaning of which in the Oxford Concise Dictionary is "election into a body by votes of existing Members."—*i.e.*, election. The same meaning you will find in the Webster's Dictionary

Mr. President : That is all right ; please put your point of view.

Sardar Shaukat Hyat Khan : Once this is accepted that co-option means election then there must be some rules—some election rules—like rule 6 (6) as Mr. Chattopadhyaya has pointed out.

Mr. President : Mr. Chattopadhyaya has already mentioned this ; please do not repeat.

Sardar Shaukat Hyat Khan : Sir, the rule says that the President shall notify the vacancy in a Gazette and call upon the constituency concerned to elect a person. The constituency concerned is this House but, Sir, you have to notify in the Gazette that election to these vacant seats or additional seats shall take place according to rule 6 (9) and 6 (10) and further the election cannot take place unless a proper notification appears in the *Pakistan Gazette* by you that this election is to take place.

Then, Sir, the second point is that no election in this Assembly can take place just by a motion. There has to be scrutiny and there has to be vote by a single transferable vote.

The Honourable Khan Sardar Bahadur Khan : Not necessarily.

Sardar Shaukat Hyat Khan : According to rule 87 in conjunction with part 2 of Schedule E, attached to rule 87, Sir, it is not possible to bring in five or six people into the House just by a motion. A proper election must take place, then a Gazette notification must issue and a proper scrutiny must take place, because the domicile of these gentlemen has to be determined before they can come and be eligible for election as Members of this House.

The Honourable Mr. Liaquat Ali Khan : Sir . . .

Mr. President : Do you want to say anything ?

The Honourable Mr. Liaquat Ali Khan : Yes, Sir.

The Leader of the Opposition has tried to make out that the co-option by the Assembly under rule 6(10) should be in accordance with the rules that are laid down for election by the Provincial Assemblies. I submit that this is not correct. This rule 6(10) was adopted by the Assembly to meet a definite requirement of a special nature and it was for the purpose of getting Members in this House from provinces where the Provincial Assemblies were not functioning and I submit that the rules that apply for election from Provincial Assemblies to the Constituent Assembly do not apply to this special procedure that has been laid down here for filling up vacancies in the Constituent Assembly. Rule 6 (10) is quite clear that where the vacancy is in the office of the Member of the Constituent Assembly and the Legislative Assembly of the Province which has to elect the Member is not in existence, the Constituent Assembly shall co-opt a person domiciled in Pakistan and owing allegiance to Pakistan and to no other State, but the person so co-opted shall cease to be a member as soon as a member is elected by the Provincial Legislative Assembly concerned in accordance with the procedure laid down in sub-rules (1) to (9).

In other words, it means that when these members are to be elected or their substitutes are to be elected by the Provincial Legislature, then rules (1) to (9) will apply and not in the case of filling up of vacancies by the Constituent Assembly from a particular province. Now, Sir, a point has been raised that there are no rules laid down in our Manual for filling up these seats in accordance with rule 6(10). I submit that in the absence of any rules, rule 21 shall apply which means that the business of the Assembly shall be brought before it by means of (a) a report of a committee ; (b) a motion ; and (c) an amendment to a motion or an amendment to an amendment. Therefore, the only way in which this matter could be brought before the Assembly could be by means of a motion, which I have done.

Now, Sir the Honourable Member from Punjab, Sardar Shaukat Hyat Khan, referred to rule 87. But there, again, he tried to make out that all the elections that are held by the Constituent Assembly are by means of single transferable vote. That is not so. All that it says is that all elections in the Assembly to be held on the principle of proportional representation by means of the single transferable vote shall be conducted in accordance with the regulations set out in Schedule A to these rules ; or in other words, it only means that these elections where it is laid down that they shall be filled by means of proportional representation only, then the single transferable vote will apply. Well, for this particular purpose no such rule is laid down and that rule does not apply. Therefore, I submit that the right way of carrying out the purpose of rule 6(10) is by means of a motion and I have taken the liberty of moving this motion before the House.

Then, Sir, another point has been raised by the Leader of the Opposition and that is as to how are we to be satisfied whether these people are domiciled in Pakistan and owe allegiance to Pakistan ?

Sir, I submit that any Member of the Assembly who takes the responsibility of proposing a person satisfies himself that the conditions that are laid down in the rules are carried out. Further I may draw the

Honourable member's attention to the fact, that, if these conditions are subsequently found as not having been fulfilled, then according to sub-rule 5(b) he can be removed from membership. Therefore, Sir, I submit there is no danger of that. Anyone who proposes the name of a member satisfies himself that he is qualified in accordance with this sub-rule. So I submit that the motion that I have moved is in order and the point of order that has been raised by the Leader of the Opposition, in view of what I have stated, has no substance.

Shri Sris Chandra Chattopadhyaya : Mr. President, my reply . . .

The Honourable Mr. Liaquat Ali Khan : Sir, shall I get an opportunity to reply ?

Mr. President : If he has got anything to point out, let him do so.

Shri Sris Chandra Chattopadhyaya : Mr. President, he refers you to rule 21 regarding conduct of business in the Assembly. It does not include election.

The Honourable Mr. Liaquat Ali Khan : No. It includes all business.

Shri Sris Chandra Chattopadhyaya : Not election of members. You have mentioned sub-rule 5(a). We can raise objection against a sitting member that he is not domiciled in Pakistan according to this rule.

The Honourable Mr. Liaquat Ali Khan : Are you referring to rule 6 (5) (b) ?

Shri Sris Chandra Chattopadhyaya : Yes. It refers to existing members.

The Honourable Mr. Liaquat Ali Khan : Yes. I know that.

Shri Sris Chandra Chattopadhyaya : We are already members. If it transpires that a Member is not a domicilled resident of Pakistan, then the President can take note of it and then take steps to remove him. But it does not relate to a person who is a candidate. The candidate must satisfy that he is a domicilled resident of Pakistan. One member may say "I know a man and I am satisfied that he is a domicilled resident of Pakistan and owes allegiance to Pakistan." But when a scrutiny is made, we find otherwise. We lawyers know what happens. The prosecution case is different and the defence case is different. He says he is a good citizen, but the other man can say that he is not a good citizen. Therefore provision for scrutiny is made. Why shall we take risk ? We must satisfy ourselves first, before electing anyone. That is the purpose of scrutiny, and there is a procedure of election laid down—single transferable vote. When that is the procedure adopted for every election—even committee members are elected by that method—why in this matter the minority should be debarred by majority vote ? It will be no election at all.

Mian Muhammad Iftikharuddin : It raises a new point, Sir. . . .

Mr. President : New point ?

Mian Muhammad Iftikharuddin : Yes, Sir.

Mr. President : No. You had an opportunity to put forward new points. I do not think another opportunity can be given to put forward another new point. I do not think you have got any new point of substance, otherwise you would have put it forward before the House at the initial stage.

Mian Muhammad Iftikharuddin : But, Sir, in this

Mr. President : I do not agree with you.

I shall first of all deal with Mr. Chattopadhyaya's point of order. I do not think I have very much to add to what has already been said by Mr. Liaquat Ali Khan. Mr. Chattopadhyaya will see that Rule 6 contemplates two situations : one is where a constituency exists—the usual constituency—which is a Provincial Legislative Assembly. The other is, where no such constituency exists.

As has been pointed out Rule 6, clauses 1 to 9, deals with the situation where the usual regular constituency exists, and Rule 6(10) deals with the situation where no constituency exists.

Now, that being so, the procedure laid down in Rule 6(1—9) is not applicable in the present case.

Shri Sris Chandra Chattopadhyaya : Rule 6A is not applicable—the newly added sub-rule ?

Mr. President : That reads :

“If additional seats are created in the Assembly by an Act of the Assembly, they shall be filled in accordance with the procedure laid down in Rule 6.”

When an additional seat is created by an Act of Assembly, then Rule (6) applies. But Rule (6) includes Rule 6(10).

Now, either there is a regular constituency existing or there is not. If there is a regular constituency existing, then the procedure laid down in Rule 6(1—9) will apply. If there is no regular constituency, then 6(10) will apply.

Therefore, the procedure laid down in Rule 6(1—9) not being applicable, the only Rule applicable is Rule 21. This Rule reads :

“The Business of the Assembly shall be brought before it by means of—

(a) a report of a committee ;

(b) a motion ;

(c) an amendment to a motion or an amendment to an amendment.”

Then, again, I may refer to Rule 30 : Rule 30 reads thus :

“(1) A matter requiring the decision of the Assembly shall be brought forward by means of a question put by the Chairman.

“(2) All questions for the determination of the Assembly shall be decided by a majority of votes of the members present other than the person presiding, who, however, has and shall exercise a casting vote in the case of an equality of votes.”

It is, therefore, not correct to say that there is no provision in the Rules. There is a definite provision.

But, I may tell my Honourable friends that if now, by means of an amendment this House decides that these seats should be filled by the method of the single transferable vote, then that will be applicable. Then action will have to be taken according to the decision of the House.

Then, Sardar Shaukat Hyat Khan raised another point. He said that according to dictionary “co-option” and “election” mean the same thing. Whatever may be the dictionary meaning, this Assembly made some distinction between the two words. In the same clause—6(10)—at one place it has used the word “co-opt” and at another place it has used the word “elect”.

With regard to a case where there is no Assembly functioning the word used is “co-option”. In that case co-option is to be done by this Assembly. Where there is an Assembly, the word “election” has been

used. Therefore, that distinction has been made. But this distinction is of no importance whatsoever in this case. You may call it co-option or election. The particular method according to which this co-option or election is to be made, is laid down in Rule 6(10). We have to proceed according to that. In view of this, I do not think that the point of order raised has any substance. . . .

Mian Muhammad Iftikharuddin : What I want to submit is that it is absolutely correct. . . .

Mr. President : No submission now.

Mian Muhammad Iftikharuddin : A new point of order that I have to put before the House. . . .

Mr. President : I do not think that I should now allow any new point of order.

Mr. Sris Chandra Chattopadhyaya raised a point of order and Mr. Shaukat Hyat Khan raised another to which Khan Sardar Bahadur Khan raised an objection. He said one point of order should be disposed of first and then another should be allowed. I ruled that I would like to hear all the points of order and then I would give my decision together. At that time you did not raise your point of order. Therefore, I think you have lost your chance. And I am sure that you have nothing of substance to put forward. . . .

Mian Muhammad Iftikharuddin : You can test it, Sir. It will take only two minutes. . . .

The Honourable Mr. Liaquat Ali Khan : May I point out, Sir, that there is a very easy course. Any of the Honourable members can move that he wishes that discussion on this matter should be adjourned. Why go on wasting the time of the House unnecessarily ? If the House agrees, the matter will be adjourned. Otherwise we can go on with this motion.

Mr. President : Do you want to move any motion for adjournment ?

Mian Muhammad Iftikharuddin : Yes, Sir. I beg to move :

"That the House be adjourned."

I have to give my reasons. . . .

Mr. President : I think. . . .

Mian Muhammad Iftikharuddin : I propose that the House be adjourned and the following are my reasons for saying so. Sir, it may have come to the notice of the Members of this House as well as yourself that there is a certain feeling of discontentment. . . .

Dr. Mahmud Husain (East Bengal : Muslim) : On a point of order, Sir. It is an established parliamentary practice that formal adjournment motions are not accompanied by speeches. Speeches are made on an adjournment motion where criticism of Government or some such thing is done. On such occasions as this no speeches are ever delivered at all in any Parliament of the World.

Sardar Shaukat Hyat Khan : Could you quote an instance ?

Mr. President : I quite agree that in cases of motion for adjournment of this kind, speeches are not made. But, I think that. . . .

The Honourable Mr. Liaquat Ali Khan : Sir, before you say something with regard to that, may I point out the difficulty which this House will be facing in future. The mere fact that a member gets up and moves an adjournment motion and makes a speech, will mean a full debate on that statement with the result that the business of the House will become impossible. Every member would get up and say that "I move that

the House should adjourn" ; he will make a speech and then there will be a full debate. I submit that we should follow the practice that is followed by every other Parliament and the practice that we have been following here also that if there is a formal motion for the adjournment of the business, the question be put to the House. Otherwise I submit for your consideration that we will be landing ourselves in very great difficulties and we will find that we will not be able to transact any business. I do not think that the House should adopt a procedure or should accept a precedent which might prove very harmful for the speedy transaction of business in future.

Mian Muhammad Iftikharuddin : Let me point out that we will expose ourselves to the charge of insanity and absurdity if any member gets up and moves that the House do now adjourn without giving any reasons. Therefore reasons must be given.

Mr. President : I fully agree with the Honourable Mr. Liaquat Ali Khan when he says that no speeches should be allowed when formal adjournment motions of this nature are moved and I also agree with him that if such adjournment motions are discussed on the floor of the House, it will be extremely difficult to conduct the regular business of the House. But I think, a member, who moves an adjournment motion in unusual circumstances like this, may be simply allowed to state his reasons in a minute or two, but there cannot be any debate on it and other members cannot be allowed to take part in the debate. If the member, who moves this motion, can state his reasons in one or two minutes, he may be allowed to do so, but no debate can be allowed on it. This is my ruling on this particular occasion. I fully agree with Mr. Liaquat Ali Khan and Dr. Mahmud Husain, but having regard to the fact that Mian Sahib seems to entertain very great grievances on account of this motion having been brought before the House, I would allow him two minutes simply to state his reasons if he so likes.

Mian Muhammad Iftikharuddin : I would not trouble the House with these reasons at all. But I submit that the decision that we are going to take, has not been taken in 150 years of parliamentary life of other countries—I mean the decision to add 6 or 7 members to the House by our own vote. I do not think any principle of constitution-making is more important than this. That being so, we should be free to give our reasons and the resolution should not be allowed to be passed without any reasons. Sometimes Members waste the time of the House and there is always a chance of frivolous adjournment motions being brought up, but despite that risk no decision without discussion should take place....

Mr. President : Do you want to state your reasons or not ? I have allowed 2 minutes. You have already exhausted half a minute.

Mian Muhammad Iftikharuddin : I cannot do it in 2 minutes. I submit that in parliaments all over the world (*Voices : Order, order.*)

Mr. President : Order, order. That will be against my ruling. Therefore, I would not allow you to do so. It appears to me that you do not want to state your reasons for moving your motion.

Mian Muhammad Iftikharuddin : It will be an insult to the House and to the subject if I am given 2 minutes to discuss this point.

Mr. President : Then do not insult the House. That is my advice. I am putting the motion before the House.

Mian Muhammad Iftikharuddin : I do not move the motion before the House because I cannot express my views.

Mr. President : Do you withdraw it ?

Mian Muhammad Iftikharuddin : No, I protest against it.

Mr. President : I am putting it to the vote of the House.

The question is :

“That the House do now stand adjourned.”

The motion was negatived.

Mian Muhammad Iftikharuddin : I withdrew my motion. I did not move it.

Sardar Shaukat Hyat Khan : Mr. President, may I move the motion standing in my name ?

Mr. President : Yes.

Sardar Shaukat Hyat Khan : Sir, I move :

“That in part (a) of the motion, for the names and addresses mentioned against Nos. 2, 3 and 4 respectively, the following be substituted :—

Choudhri Mohd. Hasan, Advocate of Ludhiana, now in Lahore.

Sheikh Mahbub Elhai, *Ex-Agriculture Engineer*, Lyallpur.

Maulana Daud Ghaznavi, Lahore.”

Sir, I am not moving this motion with any mean motive of obstructionism, but in the interest of the strength and solidarity of Pakistan and therefore, in view of the critical situation prevailing here today, I hope my views will be taken in sincerity with which they are being offered.

Mr. President : Will you also move your other motion ?

Sardar Shaukat Hyat Khan : I will move it separately.

Mr. President : You may move it now and can speak on both.

Sardar Shaukat Hyat Khan : Sir, I further move :

“That in part (a) of the motion, the fifth name and address, namely, “5. Mr. Abdul Wahid Khan, Central Arms and Autos Stores, Nila Gumbad, Lahore,” be omitted and that the co-option for this seat be postponed till 13th April, 1950.”

Sir, I was saying that the move on my part is not promoted by any motive of criticism or motive of obstruction. You will remember that when this Act was brought before this House, I sounded a warning of dangers to the House in making the rules whereby a province is deprived of the right to bring its own representatives to this House. In this I was joined by no other persons than very prominent members of the party sitting opposite, including Mian Mumtaz Mohammad Khan Daultana, Begum Shah Nawaz and Sheikh Karamat Ali and Mr. Gazder and they all supported me and Mian Mumtaz Daultana went as far as to say that people from Punjab would like and would insist on a form of representation in which election of the members from Punjab and the manner in which they are chosen is the primary function of the people of the Punjab. I sounded that warning to them, because I knew that there will be a great feeling in the Punjab, a feeling of resentment and unnecessary resentment, about this new method of selecting the people by people other than the representatives of the Punjab, who do not know the people who have to be selected.....

Mr. President : Are you not really discussing the Act which is already passed ?

Sardar Shaukat Hyat Khan : I am coming to the amendment.

Mr. President : You cannot speak about that Act.

Sardar Shaukat Hyat Khan : I am not speaking about that Act. I am only trying to give the background in order to remind the House that at that time the warning I gave has come true now, because this House made the rules and after that there was tremendous resentment in the press and among the people of the Punjab against the method in which their representatives were to be selected. It was sought that the representatives will be selected by the leading Punjab political organisation and then they will be selected by the Central organisation and then this House will co-opt them. Now what I had hoped was that this will do away with the anxiety which I had about the dangers of Punjab not being able to send its own men. But since then the attitude of the press and after that the attitude of the Central organisation, which had to send the names to Mr. Liaquat Ali Khan, has belied my hopes. The majority of those names which were sent by the province have been ignored and the fear which I had of disruption and trouble has unfortunately become a reality, because some master hand of disruption here conspired to see that the representatives selected by the Punjab are done away with and the people to his liking from the Punjab are taken in. This has created a situation which is most unfortunate because today, when we are having trouble in Pakistan, we do not want disruption but we want unity, absolute peace and amity amongst the provinces and the people of Pakistan. Instead of that, the actions which have been taken, the way in which the Punjab's wishes have been trampled down and the way in which the people have been overlooked has made the position so impossible that I fear that if something is not done and if this House does not take steps to stop this rift which is going on amongst the people of the Punjab, it will lead to some serious trouble which will be most unfortunate to say the least.

Then, Sir, I would remind you that this method which has been used today of ignoring the wishes of the Punjab is so unlike the method used before. I remember that in 1945, the people of the Punjab selected a few names for the Central Assembly and not one of them was rejected by the Central authority. Then, the 82 names of the Punjab Legislature were selected by the people of the Punjab and, with the exception of one name, all of them were accepted by the Central organisation. This sudden change whereby only one name out of the Punjab's list has been retained and all the other names are over-ruled is asking for trouble and disaster. Therefore, in all humility and in all sincerity I ask the Honourable Mr. Liaquat Ali Khan to reconsider the position. Therefore, I have today suggested three names in place of those three names which have been placed before the House by the Honourable Mr. Liaquat Ali Khan. Sir, these names are not the names of any of my supporters. They are not the names, as some people seem to think, of persons who have tried to disrupt the unity of the Punjab and yet have the hearing of the powers that be. These are the names of three gentlemen who were elected to the Indian Constituent Assembly by the members of the Punjab Assembly, though later on this august House passed a resolution, after the Partition, that the Muslim members of the Assembly from East Punjab who had migrated to West Punjab should automatically become the members of the West Punjab Assembly. That resolution was passed.

The Honourable Mr. Liaquat Ali Khan : When was that resolution passed ?

Sardar Shaukat Hyat Khan : You made the rules here by which the members of the East Punjab were made the members of the West Punjab Assembly.

The Honourable Mr. Liaquat Ali Khan : That was an ordinance.

Sardar Shaukat Hyat Khan : I stand corrected. It was found necessary by the Honourable Mr. Liaquat Ali Khan that an ordinance should be passed to give representation to the members of the East Punjab.

The Honourable Mr. Liaquat Ali Khan : It was really the extraordinary powers that the President of the Constituent Assembly enjoyed at that time and that action was taken by the President of the Constituent Assembly.

Sardar Shaukat Hyat Khan : May God bless his soul. We expected him to do great things and he did great things and as a Leader of the nation he actually did things which every Pakistani had expected of him. I wish the Prime Minister will rise to the same stature and take the same view which that great Leader and President of the Constituent Assembly took in those days. I may remind him that it was thought necessary—and I am sure he must be privy to it—that these East Punjab members should become the members of the West Punjab Assembly in order to give representation to those millions of people who were uprooted and who had to come across the border to our country. Similarly, when these five refugee seats are to be filled in this Constituent Assembly, which have been created in order to give representation to the people of East Punjab, why not have those very people who were elected by the East Punjab members of the Assembly for Indian Assembly ? Why should their names be removed ? Except for one of them, all the other names have been removed. I have again proposed by means of my amendment that these three people who were elected to the Constituent Assembly should be taken in in order to stop trouble and the factionalism which is prevailing in the Punjab. If you want to unite the Province, then the only way to do it is to take those very people here who were rightfully elected as the right representatives of East Punjab in the Central Legislature. They should be asked to come back and take their seats in this House. I hope the Honourable Mr. Liaquat Ali Khan will be able to see the force of my argument and will be able to take my advice and take those very people without going into the party leanings or promptings. On the one side you have the President of the League and on the other side you have the ex-President of the League. The President wants one thing and the ex-President wants something else. What we want is that only those people should come here who were elected by the people of the East Punjab and not by warring Presidents.

Then, Sir, I would like to say a word about certain names which have been proposed, although this thing was somewhat discussed when the point of order was raised but not quite. The Prime Minister gave us the assurance that the names he has proposed are of persons who have domiciled in Pakistan. When the question of domicile was considered, several questions were raised in the House with regard to the nationality of various persons and my friend, the Deputy Foreign Minister, always used to get up and say that the question of the nationality has not yet been determined by this House. You have not yet got the Nationality Act and many people have not yet decided whether they are going to take their domicile here after their service or business or

[Sardar Shaukat Hyat Khan.]

somewhere else. The names that I have mentioned in my amendment are the names of those persons who have come from the East Punjab or from certain recognised areas and who came across to the West Punjab in 1947. This is not the case with people who have come from other provinces. Those areas have not yet been recognised and how can they become the domiciled citizens of Pakistan and become members of the Assembly also on the strength of their being refugees. That is a thing which I cannot understand. I have got no particular objection against them, but if we keep on allowing the people of Bharat to come to our country, you will one day find that most of the runaway leaders will come into the Constituent Assembly. In order, therefore, to avoid that, I would request the Prime Minister to postpone the consideration of Mr. Abdul Wahid Khan's nomination till the 13th April. Let him ask the West Punjab League, who did not even mention his name in the list of 11 members, whether he has a definite domicile of the Punjab. Why did he leave Lucknow and whether his home is in East Punjab or in the United Provinces. I do hope the Prime Minister will be able to take my advice and revert to the old names who are the real leaders of the people and who were really elected by the representatives of the people.

Mr. President : Amendments moved :

"That in part (a) of the Motion, for the names and addresses mentioned against Nos. 2, 3 and 4 respectively, the following be substituted :—

Ch. Mohd. Hasan, Advocate of Ludhiana now in Lahore.

Sheikh Mahbub Elahi, ~~Ex~~-Agriculture Engineer, Lyallpur.

Maulana Daud Ghaznavi, Lahore'."

and

"That in part (a) of the motion, the fifth name and address, namely, 15. Mr. Abdul Wahid Khan, Central Arms and Autos Stores, Nila Gumbad, Lahore,' be omitted and that the co-option for this seat be postponed till 13th April, 1950."

Mian Muhammad Iftikharuddin : Sir, I rise to oppose the Resolution put forward by the Honourable Mr. Liaquat Ali Khan. Sir, I will not say a word about the right of this House to co-opt in this manner—whatever my opinions on that, nothing will be said about it—but even with that right I feel that justice could be done to this House and to the Province from which the members are to come, and sit in this House.

Sir, I think there was no point whatsoever for this House to co-opt members who do not represent the wishes of the people of the Punjab. Sir, the Punjab people rather would go unrepresented than to have members who oppose their views, who do not align themselves with their aspirations. Sir, to have Punjabi-speaking members—if that is what the Honourable Mr. Liaquat Ali Khan had in his mind—was pure and simple provincialism, we do not want to add seven more Khizars to this Assembly even though they may speak Punjabi more fluently. Sir, the object of having people from the Punjab was to know the wishes of the people of the Punjab on issues of importance which the House is going to discuss in the coming months and I cannot understand how we can go back over the commitments that we have made and the hopes that we have raised in the minds of the people of the Punjab when we said that we were going to give representation to them in this House. And, Sir, no other person than the Honourable Mr. Liaquat Ali Khan, when moving for changing the mode of elections from the Provinces where there was no Assembly, said that :

"At this time when we are in the process of framing the future Constitution of Pakistan, I feel that it is fair that the West Punjab should be fully represented in this House so that its views may be adequately presented before this House when we are considering the various principles with regard to the future Constitution of Pakistan."

And these are the people he has elected from the Punjab to represent their views. Sir, it may be said that Mr. Liaquat Ali Khan had his own way of judging the wishes of the people of the Punjab, but then there are other people more competent to speak on Punjab in this Assembly. We are eleven members now sitting in this House from the Punjab—11 members—out of which you would remember, Sir, that on the 30th of December, when this question was raised, and when the Honourable Mr. Liaquat Ali Khan said these words, five members got up and put the same point of view before the Honourable Mr. Liaquat Ali Khan and the House. Sardar Shaukat Hyat, Sir, said that—

"the principle of democracy and the principle of true representation of the people whom it is intended to represent in this House should be respected."

Then, Sir, Mr. Daultana also got up and said what Sardar Shaukat Hyat Khan just now has conveyed to the House : that he would insist that the people of the Punjab would have the right to send their representatives in accordance with their own wishes.

I too spoke and submitted :

"the rules should be carefully drafted so that in exercising our sovereignty, unquestioned as it is, we may not be encroaching upon the democracy of the people, which is more important than our sovereignty."

Sir, Begum Shah Nawaz too supported us on that stand, as did Mr. Karamat Ali. Amongst the other members, three—Malik Firoz Khan Noon, Sir Zafrulla Khan and the Nawab of Mamdot—you would remember, were absent and other two members, if I remember rightly—Chaudhri Nazir Ahmad Khan and Dr. Omar Hyat Malik—did not consider it proper to speak, but I have not the slightest doubt, Sir, that the Nawab of Mamdot, Malik Firoz Khan Noon, Sardar Abdur Rab Nishtar and Sir Zafrulla Khan would have supported us when we requested this House that the rules be so framed that the rights of the people of the Punjab are not trampled upon.

Now, Sir, further you have seen recently the reactions of the people of the Punjab on this question. There is not a single newspaper out of the 11 or 12 daily newspapers in the Punjab which has not come out with emphatic denunciation of the policy that has been adopted in selecting these names.

Then there is another organization of which I am sure the Honourable Mr. Liaquat Ali Khan has heard, the Muslim League of the Punjab, and the views of the Muslim League of the Punjab are well known to the people of Pakistan on this. As Sardar Shaukat Hyat pointed out, only one person out of six of their nominees has been accepted.

Sir, it may be said that there was no other method to give representation to the people of the Punjab. I differ, Sir, because there were other methods. Without in any way encroaching upon the right of this House to make this rule, we could have given a chance to the people of the Punjab to express their wishes and after ascertaining their wishes we could easily co-opt them under this very rule. And then, Sir, there were other very simple methods. Why did not we adopt them? The members of the dissolved Legislative Assembly had certainly the right to suggest more names. After all the Quaid-i-Azam and ten or more

[Mian Muhammad Iftikharuddin.]

people were elected by that Legislative Assembly, out of which eight or nine are still sitting here. After all, that Assembly sent us, but the reply from the Honourable Mr. Liaquat Ali Khan may be that when they elected us the Assembly was not "corrupt!" I beg to submit, Sir—and people know this fact—that I am one of those who were very pleased when it was dissolved but nobody on earth had the right to take away the votes. A person may be guilty of any crime but you do not take away the right of vote from him. To the following question I want a straight answer: Were the other members of the Punjab Assembly, more corrupt, more guilty of nepotism, favouritism, and of disrupting the national front and the national organization than the members who sit here today? Who were the people who created that situation in the Punjab, who were guilty of factionalism, who were the people fighting for power, who were to blame for throwing the democratic rights of the people of the Punjab to the winds? The leaders of the two factions are sitting in this Assembly, today. They are even now members of it. If they can be members of this Assembly, why not, I ask, those innocent members who elected them? Therefore, I do not say that the Assembly should not have been dissolved, but so long as their factionist and disruptionist representatives are allowed to sit in this House, so long that Assembly has the right, or its members have the right, to suggest names to this Constituent Assembly for co-option for the vacancies that may occur until the new Assembly is elected.

Well, Sir, that method was not acceptable probably to our leaders. There was another method that could have been adopted. As we know the board of 9 people have recommended these six or seven names to us and that against the wishes of the Punjab Provincial Muslim League. The Honourable Mr. Liaquat Ali Khan will agree that in the eye of the democratic law the 11 members who today sit in this House from the Punjab (if no other body has the necessary representative character after the dissolution of the Punjab Legislative Assembly to speak on behalf of the Punjab) at least these 11 members who still sit in this House could have elected them on the basis of proportional representation. They could have acted more legitimately on behalf of the Punjab.

Further, Sir, I speak of a principle accepted by the late President of this Assembly as also by the people on the other side of the border that if the population of a whole area, on account of reasons not within their control, are forced to leave their land as were the Muslims in East Punjab their representation does not alter. I want to know from the Honourable Mr. Liaquat Ali Khan as to how the representative character of the leaders of the people changes with the change of soil. It does not; and it was accepted by Indian Parliament as it was accepted by the late Quaid-i-Azam that the members elected to represent the Muslims of East Punjab in East Punjab Legislative Assembly should become Members without new elections of the West Punjab Legislative Assembly. Sir, in the same manner the persons, whose names have been suggested by Sardar Shaukat Hayat Khan, were the persons whom the East Punjab Legislative Assembly Members had elected to represent them in the Indian Constituent Assembly. They were the people competent to sit here until the new elections were held—if we are competent as we are supposed to be, until the new elections are held. Again we did not hold any elections for two and a half years, even though the refugees were lying here. Mr. Liaquat Ali Khan did nothing for them for such a long time. We were expecting it for two and a half years but we do not know why it was delayed

so much. If Mr. Liaquat Ali Khan and his colleagues were so unhappy to see that Punjab was not being represented here why did they not follow the same method earlier.

Mr. President : That does not arise.

Mian Muhammad Iftikharuddin : I mean, Sir, that it was supposed to be delayed in order to ascertain the wishes of the people of Punjab ; and yet.....

Mr. President : Mian Sahib, I think, you should pay attention to the peculiar constitution of this House ; it is not a Legislature. Please go on with your points.

Mian Muhammad Iftikharuddin : Further we did not co-opt these members three months ago for the simple reason that we wanted to ascertain the wishes of the people of Punjab and to my mind the way in which the wishes of the people have been ascertained is itself wrong but then I do not want to dwell on that point—on that technical point. have members who oppose their views who, do not align themselves with Sir, if two and a half years can pass without the people of Punjab being represented why cannot we wait for another week and let the Muslim League over the whole question again and submit new names in accordance with the League rules and regulations, if they have trespassed them in the past. In fact they have overlooked technicalities when it served high command's purpose. We see that one member who did not apply in time, has been included by the Honourable Mr. Liaquat Ali Khan.

Mr. President : You should not bring in what took place in another organization and what that organization did.

Mian Muhammad Iftikharuddin : But I oppose this resolution because it goes against the spirit of the undertakings that we gave and the views that were expressed by the Members from the Punjab on this subject three months ago and as such this is a very harmful thing. I wish to submit with all the emphasis at my command that you can never never take a more important decision in this House than this because if today six or seven Members can be co-opted, then two months later 300 members can be co-opted by mere brute majority and what will happen to the Constituent Assembly and the people of Pakistan. Therefore, Sir, I think in this case it is not for Mr. Liaquat Ali Khan to see—I submit in all humility—but it is for you to see the point of view of the people ; it is for you to see, as this Assembly is not a Legislature in the ordinary sense (it has to mould the future of Pakistan not for three years to come but may be for 30 years to come) and as such great consideration is to be given to that question. It is for you to see that those who come here really represent their people. There is no party discipline so far as I understand in the Constituent Assembly—one can follow one's own conscience. Let anybody get up from the Punjab and say that these people, represent the wishes of the people of the Punjab.

Mian Mumtaz Mohammad Khan Daultana (Punjab : Muslim) : Mr. President, Sir, quite apart from procedural pleasantries which do no very great harm, I would have very much hoped and wished that no controversy had been raised during the course of the adoption of this resolution sponsored by the Honourable Mr. Liaquat Ali Khan. This House, Sir, today, is meeting in exercise of its sovereign powers to fulfil the function of associating a number of persons as Members of this House—to admit them to its august Assembly and I think, Sir, it would have been in accordance with the dignity of this House and I think

[Mian Mumtaz Mohammad Khan Daultana.]

in keeping with the courtesy due to the new Members whom we are going to introduce through the exercise of our sovereign will into this House, if there had been no difference of opinion and no controversy on this subject. Moreover, unfortunately, quite apart from differences of opinion, a great deal of bitterness has also been generated in the discussion. But, Sir, during the course of my speech I shall try to steer myself completely clear of any such bitterness because appropriate occasion for that would be at another time and in another place and in another sphere.

Sir, this question of co-optation and the introduction of Members by means of the resolution that has been moved by the Honourable Mr. Liaquat Ali Khan and the amendment moved by Sardar Shaukat Hyat Khan can be studied in two aspects. The first aspect is the appropriateness, the suitability, and the merit of the individuals whom it is sought to co-opt and Sir, the second aspect is the general principle on which this selection has been based.

With your permission, Sir, I would like to deal with the general principles first. As you know, Sir, we in Pakistan are living under a democratic constitution. We are following the responsible representative system of Government and that, as you are very well aware, is primarily based on the Party System. The very basis of our functioning, the first condition of our operation is the strength, the stability and loyalty to and of the Parties to which we on this side of the House and on that side of the House belong. Sir, we, the majority in this House, belong to a certain party, in belonging to which we feel a very great honour. Now, there is a clear procedure that has always been followed, by which the organisation of our Party, the Muslim League Party, dictates, in matters of policy, the manner in which we, who are but a part of that organisation—the legislative representatives of that organisation—are going to behave here, particularly in the method of the choice of the representatives of the people; the Muslim League being the party to which the largest—in fact the very vast—majority of the people of Pakistan belong. There is a well established procedure through which those persons who are to represent them in this august House are selected. That procedure is very well-known to most of us. Our organisation—the Muslim League—has a Parliamentary Board in the provinces, the function of which is to select nominees of the Muslim League who are to be supported by those who belong to the Muslim League, for election to the Provincial Legislature. There is also a Central Parliamentary Board composed of the representatives of all the majority provinces of Pakistan, whose function it is to select on behalf of the Muslim League with the full authority of the organisation and assuming the complete discipline of its members, candidates and representatives for the Central Legislature and the Constituent Assembly. Sir, it was this procedure that was followed in the selection of the six gentlemen whose names are today being proposed by the Honourable Mr. Liaquat Ali Khan. Those names are not being proposed by him in exercise of his personal judgment or in exercise of his individual discretion, but as a mandate from the Party which has brought him where he sits today, and it is subject to that discipline that he today has brought those names and has put a proposition before this House that those names be accepted by the House. This procedure is not a new one. It was actually as a result of that procedure that three or four years ago we, the main body of the members who sit on this side of the House, were returned

and elected to this House and it was also the procedure through which those two islands of the Muslim League sitting on the Independent benches were also returned to this House—and may I express the hope—I hope that the two islands will soon drift back to the main land. Sir, that procedure is well known to every one. (*Interruption.*)

Sir, there are certain demands of discipline, which Sardar Shaukat Hyat Khan, as a well-disciplined soldier, knows very well and so does Mian Iftikharuddin, as a seasoned soldier and as a seasoned warrior in the cause of liberty, that have to be kept in view and owed allegiance to. I am sure if the Party is assured that the two members are ready to keep discipline, nobody will be happier than I am to see them sitting on this side of the House.

Mian Muhammad Iftikharuddin : We will individually work for the solidarity of the Party.

Mian Mumtaz Mohammad Khan Daultana : Mr. President, Sir, I crave your protection. Mian Sahib's speech was bitter. I do not know for what reasons. Perhaps it has a psychological basis. Nevertheless, I did not interrupt him, because it always gives me a certain measure of pleasure to listen to his magnificent oratory and I value the pungency that adds all the bitterness because it is like salt in the dish. I like it. I am sorry I cannot present him a dish as pungent as his own, nevertheless I would request him to listen to me as quietly as I have listened to him.

Mian Muhammad Iftikharuddin : It is poisonous ; if it is not pungent.

Mian Mumtaz Mohammad Khan Daultana : Sir, I was saying that the selection of these six or seven candidates was done by the Central Parliamentary Board and I am a little surprised, because whatever the position of Sardar Shaukat Hayat Khan and Mian Sahib *vis-a-vis* the Muslim League Assembly Party might be, they are still members of the Muslim League organisation, and I am a little taken aback that they should have found it necessary or that they should have permitted themselves this breach of discipline by raising their voice against the orders, the mandate of the highest authority to which we in the Muslim League organisation are subject.

Mian Muhammad Iftikharuddin : You could have us expelled even outside, if you were too eager.

Mian Mumtaz Mohammad Khan Daultana : I myself would be expelled out of the country most likely.

The point I was arguing is this that it is the Central Parliamentary Board which has selected the six names and it is on that basis that we have accepted this nomination. Now, Sir, the Muslim League organisation, of which we are all members, is really the party which represents the entire country. It is not a federation of provincial parties ; it is a unitary party, a party which on the basis of that unity, solidarity and discipline, and through the elimination of all smaller loyalties and patriotism, was able to create Pakistan. Sir, that party has through its own unfettered will, by its own authority and its own constitution, given the authority and the power of suggesting the election of the representatives of this august House to a Central Board. That Central Board has, as its members, representatives from every province. (*Interruption.*)

[Mian Mumtaz Mohammad Khan Daultana.]

The particular board, to which I am referring has a very special distinction that all its eight members who were elected unanimously by the League Council which is the highest authority that operates in the Muslim League organisation, which nobody will deny here is today the most highly representative organisation and political party in the country and I hope will continue to remain so for many decades to come. Sir, that party in its highest assembly, in its final sovereign body, elected these eight members unanimously. Such was the very large measure of trust that the accredited representatives of the Muslim League reposed in the constitution of their Board. Now, Sir, it is this Board which considered the six names and suggested them to us, and we, as members of the Muslim League, are not prepared at any cost to break its discipline. We feel that the conscience of a man is to be exercised in such a way as to enable the party to act well, and not in such a way as to create disruption in that party. We feel that discipline is to be maintained above everything else because it is on that basis alone that democracy can function in Pakistan.

Now, Sir, it has been argued by Sardar Shaukat Hyat, and it is a weighty argument, that this procedure—this democratic procedure—of party nomination should in this one case not be followed. He has suggested another procedure which is that instead of the present Parliamentary Board selecting these candidates, it should have re-affirmed the selection made by a previous Central Parliamentary Board some four years ago, when it sent four representatives from the East Punjab to sit in the Constituent Assembly of the Indian Union. But, Sir, I submit that the procedure that has been followed at present is a better one. It was not under any unregulated and chance election that the previous representatives to the Indian Constituent Assembly were sent. It was, Sir, through nomination by a Parliamentary Board to which the present Parliamentary Board has succeeded in full magnitude of its power, and I am glad to say that there was no member in the Muslim League Party then who dared to raise his voice against that decision. . . .

Mian Mumtaz Mohammad Khan Daultana : I am suggesting, Sir, that instead of sticking to a decision taken some three years ago, under diametrically opposed and entirely different circumstances by a Parliamentary Board, would it not be more rational and reasonable to follow the decision of a Board more recently constituted, and a Board which has got the direct support of recently expressed public opinion behind it—of a Board which is more alive to the present situation and conditions in Pakistan? I say that circumstances have completely changed. Those representatives were chosen for the Indian Constituent Assembly. Sir, for that Assembly, different qualities and a different temperament was required—perhaps different considerations may have entered in the minds of the members of the Parliamentary Board in selecting them. For nomination to this Assembly, when Pakistan has been established, and different conditions operate perhaps a different choice has to be made. Anyhow, I think it is proper and correct that we should submit to the directions and to the guidance of people whom we have ourselves elected and armed with full and precise authority.

The argument of Sardar Shaukat Hyat may not be a poor one. It may be quite good. But, I say that the procedure that has been followed by us or the procedure that we are going to follow today is a better one. It is more rational and more realistic.

Then, secondly, it has been suggested by Mian Iftikharuddin during the course of his speech, that this authority should have been given to the Punjab Assembly. Now, Sir, it is true that the Punjab Assembly, before dissolution, was the proper electoral college for the nomination and election of representatives from the Punjab to the Constituent Assembly. But, Sir, it was the Punjab Assembly; it were not certain individuals who happened to be M. L. A.'s of that Assembly. They were not an electoral college constituted in their personal capacity, but as members of the Punjab Legislature. Now, Sir, that Legislature has for whatever reason ceased to exist.

Mian Muhammad Iftikharuddin : I want every Assembly to be dissolved. Not Punjab alone.

Mian Mumtaz Mohammad Khan Daultana : Because everywhere

Mian Muhammad Iftikharuddin : I want adult franchise.

Mian Mumtaz Mohammad Khan Daultana : Sir, I will not take any notice of Mian Sahib.

Now, Sir, the Punjab Assembly has ceased to exist as an electoral college. This is the difficulty, the Assembly has ceased to exist. The mere fact that individuals who composed that Assembly are there, does not constitute them into an electoral body. It was this problem which was oft-repeated in the party meetings in which Mian Sahib and I both were present. It was this position that created difficulty in following that procedure.

Now, Sir, Mian Sahib has also made a remark which is not directly relevant to the issue. He has suggested that the Punjab Assembly was corrupt. I know that this is not the proper place for discussing this question, but I do think that there is a great deal of misunderstanding on the subject. I wish that on some occasion the Honourable the Prime Minister would like to clarify the position. I think it was never suggested that the Punjab Assembly as a whole was corrupt or bad. It was the manner in which it was functioning in certain circumstances that had made the possibility of a stable Ministry difficult. It was not suggested—or if it was suggested, that suggestion ought to be repudiated today—that the members who composed the Punjab Assembly were any worse in matters of integrity and honesty than members of any other Assembly in Pakistan. I think this point should be made clear because even today—one and a half years since the Assembly ceased to exist—poisonous propaganda is being carried on against that Assembly and the members of that Assembly by interested parties. I think, Sir, to this day not a single person who was a member of that Assembly has been found guilty of any crime or of the slightest act of corruption, nepotism or evil.

Sardar Shaukat Hyat Khan : Why did you recommend its dissolution ?

Mian Mumtaz Mohammad Khan Daultana : That is a different point. I would not like to enter into discussion of it. There were good reasons. The whole point is that it was not because of corruption. A great deal of harm is being done. The *ex-M. L. As.* of the Punjab were persons who showed great valour and fervor on an occasion when the country was in sore peril. It was due to them that Pakistan was established. It was due to their integrity and strength of character that this State became possible. It is unfortunate that there should be this misunderstanding about them.

Sardar Shaukat Hyat Khan : It is all on account of being illiterate.

Mian Mumtaz Mohammad Khan Daultana : Now, the whole point is that it was not due to corruption. It is possible tomorrow for instance—as circumstances are in Great Britain—that it might become impossible for a stable Ministry to function. That will not be due to corruption. Sir, this was a passing reference. I think we owe it today from the Governor-General and we owe it from the Honourable the Prime Minister to make this position clear...

Sardar Shaukat Hyat Khan : Because of the new elections.

Mian Mumtaz Mohammad Khan Daultana : New elections may come. There Mian Sahib and I are in the same boat.

I, therefore, suggest that the Punjab Assembly was not the correct place where this election could have been held. I agree with what the Honourable Members before me have said that there is no real substitute for an electoral college which is completely Punjabi in its composition. That was the ideal ; that was the right thing ; that is what should have happened.

Mr. M. H. Gazder (Sind : Muslim) : Have the members of the Punjab on the Central Parliamentary Board....

Mian Mumtaz Mohammad Khan Daultana : I will come to that.

The whole point is this that I agree that there is no real substitute for a Punjab electoral college for election to these seats. But, during the past few months it was not possible to conceive of any other electoral college which could have been satisfactory. The Punjab Assembly does not exist, and the few members from the Punjab here, I do not think were even willing to take that responsibility upon themselves. Therefore, Sir, there was no proper substitute available. This House honestly feels that there is no substitute for the election of the gentlemen, or the co-option of the gentlemen, whom we are seeking to introduce today except the one that we are adopting. Then, Sir, their membership will operate till such moment only as a proper electoral college starts to function in the Punjab. I do not see why for six or eight months some representatives from the Punjab should not sit in this Assembly. And, when the time comes, when the proper occasion ripens when the new Assembly is functioning, then it is that Assembly, constituting a purely Punjabi electoral college, that will send Punjabi representatives to this House. I submit, Sir, that this is a procedure with which we are satisfied. There is another very relevant consideration. To me, as a loyal party-man the controversy about the formal composition of electoral colleges, has no very great significance. Whether it is the Constituent Assembly or the Punjab Assembly—which I sincerely hope will come into existence towards the end of this year—to me as a Muslim Leaguer it makes no real difference, because in both cases the overwhelming majority of the members are or will be bound by the discipline of the Muslim League Party. I sincerely hope that Sardar Shaukat Hyat Khan and Mian Sahib, when they come in the Assembly, will be loyal to the Muslim League. Under these circumstances, any recommendations of the Central Board will be followed by whatever electoral college there is. Therefore, whether it is this electoral college or another electoral college, the members elected will be the nominees of the Muslim League Party and therefore, to us, as practical men, the constitution and form of the electoral college makes no difference whatever.

There is one small point which I want to make before I finish and that is that an argument has been advanced and a very great capital has been made of it, that the decision of the Punjab in the selection of the

gentlemen, who are to become our members or who are sought to be co-opted by this House, has not been followed. I wish to submit that this is not so. There were two principles that were decided by the parliamentary board. The first principle was that like Sardar Shaukat Hyat Khan, the working committee of the Punjab League did not wish to exercise a choice in the matter of refugee representatives. The principle that the previous representatives to the Indian Constituent Assembly should be sent to the Pakistan Constituent Assembly, is a principle on which there could and should have been a difference of opinion. The Central Parliamentary Board did not follow that principle and exercised the right of choice of selection and I think that this was the correct decision, because, as I have said before, the circumstances had changed, the nature of the men required had changed and the ability required of them was of a different nature than what was required of them in the Indian Constituent Assembly. Therefore I think, it was a correct bold and valiant decision that the Central Parliamentary Board should have exercised its right of decision and not have shirked responsibility as was done in the Punjab. Another decision was taken up by the Board and that was that out of the 6 seats that were vacant, 5 seats should be filled by refugees. That was precisely the recommendation of the parliamentary committee that 5 new seats in the West Punjab would be represented by refugees. Therefore, it was correct that the persons, whom it was primarily sought to represent, would have been brought into this Assembly through an opportunity given by the vacancy of these 5 seats. Therefore, Sir, it was correct that the Parliamentary Board decided to allot 5 seats to refugees. If you take these two decisions together, first, the decision to exercise a new choice in the selection of refugees representatives, a principle which the decision of the Punjab Working Committee wrongly did not follow, and second that only one seat was open to 'local' representative. I suggest that keeping these points in view, it will be easy to prove that all the members that were selected had the full support, and were likely to be completely welcomed by the Punjab Muslim League as it is at present constituted in its executive. I would not take too much time of the House. If you study the names, you will find that they do completely represent the opinion that the Central Parliamentary Board rightly assumed would be the opinion of the Punjab Working Committee. The first name is that of Sufi Abdul Hamid. About it there is no great controversy because he was also one of the names sent up by the Provincial Muslim League.

Mian Muhammad Iftikharuddin : Names and merits of members are not in question.

Mian Mumtaz Mohammad Khan Daultana : It has been suggested that they do not represent Punjab. It has been suggested that they are not acceptable to the Punjab. I can prove that they do represent it.

Mian Muhammad Iftikharuddin : Their personal qualities are not in question.

Mian Mumtaz Mohammad Khan Daultana : That is the whole point. My point is that they are the representatives of the Muslim League organisation which is one and indivisible all through Pakistan. The second point is with regard to their loyalty and suitability against whom Sardar Shaukat Hyat Khan at least will not dare point out a single defect at least.

Mian Muhammad Iftikharuddin : We are not prepared to discuss them.

Mian Mumtaz Mohammad Khan Daultana : I am going to point out that they are very correct people. Sufi Abdul Hamid is a well known figure. He has been in the Muslim League since its inception. He was the first to leave the Khizar Ministry and to join us when we parted company with Khizar. He has been throughout a staunch and honoured worker of the League and only recently he was the Treasurer of the Provincial Muslim League. So his name was sent.

The second name selected is that of Sheikh Sadiq Hassan. His name was selected to represent the refugees in the Punjab. He was the one person, who was chosen by the executive head of the Punjab Provincial Muslim League to represent the refugees in the highest executive post, which was to be filled by the nomination of the Muslim League. He was selected only recently to serve as an advisor to the West Punjab Governor representing the refugees by the present League Executive. The Punjab League has given a clear preference to him over all others. So his present selection was quite correct. After the first principle had been rejected by the Board, that they were not bound in their decision to accept the names which were previously sent to the Indian Constituent Assembly, and it was inevitable that his name should have been included as one of the new names. In fact, it would have been a direct criticism of the Punjab Muslim League and of the people they had chosen to hold the highest responsibility in the province if his name had not been selected. He has been serving the Muslim League for the last 15 years. He has been the Vice-President of the Punjab Muslim League and he is so today. While in Amritsar, he was for many decades the President of the Amritsar Muslim League.

Mr. President : Mr. Daultana, I think you will continue your speech after *Maghrib* prayers.

The Assembly then adjourned till Quarter to Eight after Sunset for *Maghrib* prayers.

The Assembly re-assembled after *Maghrib* prayers at Quarter to Eight after Sunset, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

MOTION REGARDING CO-OPTION OF CERTAIN MEMBERS FROM PUNJAB—*continued*.

Mian Mumtaz Mohammad Khan Daultana (Punjab : Muslim) : Mr. President, Sir, I promise you that I will not take very much more of the time of the House. Sir, I have already inflicted myself sufficiently on its patience.

I was discussing some of the names that have been suggested in the resolution of the Honourable Mr. Liaquat Ali Khan for co-option by this House. I had discussed the names of both Sufi Abdul Hamid and Shaikh Sadiq Hasan and I was saying that they are the proper representatives of the present Muslim League in the Punjab as it is today constituted. The third name is that of Mr. Ghulam Bhik Nairang. Now, that is a very venerable and honoured name in the political annals of my province. He is one of those few persons who had the privilege to serve under the direct guidance of our beloved Quaid-i-Azam. He was for a long time a member of the Central Assembly in

Delhi and he served as the Deputy Leader of the party which had the distinction of having Quaid-i-Azam as its Leader. Apart from the fact that he is so honoured and respected and that his contributions to the struggle for our emancipation in my province have been so large, I wish to suggest that his present position in the Punjab Muslim League and the respect and honour which he owes in the eyes of the leaders of the present Muslim League is of the highest because he has been selected by Mian Abdul Bari, the present President of the Muslim League, as either the Chairman or one of the members of the Tribunal that has been set up by the Punjab Muslim League to decide all controversial matters that may arise in the organisation. Now, Sir, quite apart from his old record, we can say that he is a person who is directly in the confidence of the present leadership of the Punjab Muslim League.

Then, Sir, there is the fourth name, which Sardar Shaukat Hyat Khan wants to be removed from the list of the names that have been suggested. He is the person whom I do not know myself too well. He is Mr. Abdul Wahid Khan. One objection that has been raised against him is that he does not come from East Punjab. Personally, I am not interested in the place from where a man comes so long as he is a resident of the Punjab today. We shall treat him as a full citizen of the Punjab if he lives today with us and is ready to die for us and to fight for us and to be one of us. But about Mr. Abdul Wahid Khan there is one very particular thing of which Sardar Shaukat Hyat Khan is perhaps not aware. Mr. Abdul Wahid Khan sent a representation to the Central Parliamentary Board to the effect that his name should be considered and should be accepted on the basis that he represents that portion of the population of India which had come to the Punjab but has not come from East Punjab. In fact, he said that representation should be given to the Indian States of East Punjab and to persons who had come from Delhi. He said in his statement that this population number $12\frac{1}{4}$ lakhs and as one member was to represent 10 lakhs of people, he argued that his name should be considered. The important point is that he advanced this argument after the Punjab Muslim League had met and decided. But when he presented this application to the President of the Punjab Muslim League, the President of the Punjab Muslim League very strongly recommended it to the Central Parliamentary Board. He said that if the Central Parliamentary Board felt that representation should be given to these $12\frac{1}{4}$ lakhs of people, then Mr. Wahid is a very suitable person for providing this representation. Further, his application was endorsed by Mr. Chima, the General Secretary of the Punjab Muslim League, who is supposed to belong to a party which does not see eye to eye with the President. His representation was sent to the Central Parliamentary Board and was endorsed by both the main officers of the Muslim League and I would have been surprised if the Central Parliamentary Board had rejected such a strong representation.

Then, the fifth name is that of Chaudhri Ali Akbar. It may be said that he does not enjoy a great importance in the present executive of the Muslim League. Of course, his past record in the Muslim League has been a bright one and nobody knows it better than Sardar Shaukat Hyat Khan himself because I remember very well that Sardar Shaukat Hyat Khan was one of the members of the Punjab Parliamentary Board and it was not only on his recommendation but on his enthusiastic recommendation that Chaudhri Ali Akbar was granted a Muslim League ticket. Since then he has played an honourable role in the political struggle of our country. There is another reason why I feel Chaudhri

[Mian Mumtaz Mohammad Khan Daultana.]

Ali Akbar was properly selected by the Central Parliamentary Board. There are four main divisions in the East Punjab which we would seek to represent in this Assembly. There is the Lahore division—I mean that portion of the Lahore division which is in the East Punjab. Then, we have the Jullundur Division and the Ambala Division. Then, we have the Indian States in East Punjab and the area of Delhi. We have got Mr. Abdul Wahid Khan from the Delhi region; Shaikh Sadiq Hasan from the Amritsar region and we have got two representatives, Mr. Ghulam Bhik Nairang and Sufi Abdul Hamid, from the Ambala division. I strongly support the high representation given to the Ambala division because the people of the Ambala division were those who suffered most during disturbances. They were the people who came to the West Punjab after undergoing the greatest loss and it is but right that their representatives should be given the largest emphasis in this Assembly. These are the four representatives from these divisions. There was, however, no representation from the Jullundur division and in the recommendations also sent by the Punjab Muslim League they also neglected this point. Therefore, I think it was correct—I think it was right to correct a mistake which was unwittingly made by the Punjab Muslim League—to give such representation as would satisfy all sections of the people who had come from the East Punjab. Therefore, I think that the five names which were selected were good names and correctly chosen.

Further the Punjab Muslim League had suggested eleven names out of which selection of non-refugee representatives may have been made. The Central Parliamentary Board decided not to adopt any candidate from this list. I think there was good reason for doing this. The first was that the non-refugee seats were reduced from 2 to 1. Therefore, only one local man could have been taken, and it meant that only one person out of the 11 could be taken. But now a very special consideration was applied and that led to the inclusion of Mr. Mushtaq Ahmad Gurmani. Of course, there has been a controversy about Mr. Gurmani. It has been said that he was not as loyal and as devoted a fighter of the Muslim League as others who are today in the ranks of the Muslim League. That is true, Sir. He took no part in the Muslim League struggle but this must be said that he did not by any action of his do anything that was contrary to the interests of the Muslim League. In fact he did one thing that was good and which I remember although it was a long time ago, but I think of which Sardar Shaukat Hyat and I have both intimate knowledge and that was this: that when we separated ourselves from Khizar Hyat Khan at the behest of the Muslim League organisations, led at that stage by Mr. Liaquat Ali Khan, there were certain individuals who sat as Unionist members but were not living in the Punjab. One of them was an Honourable Member of this House—Begum Shah Nawaz—and another was Nawab Mushtaq Ahmad Gurmani. They were employed and were doing some jobs in the Central Government and it was not sought that they should become members of the Muslim League because they could not be members of a political party. But we felt that it would be a good thing if they became Independent and severed their connection with the Unionist Party and repudiated any association with them. Begum Shah Nawaz, of course, did that immediately but I remember that the Khan of Mamdot, our President, and myself who was then the General Secretary of the League, we approached Nawab Mushtaq Ahmad Gurmani—I think Sardar Shaukat Hyat knew about it—and took him to the Quaid-i-Azam and at the dictation of the Quaid-i-Azam—at his suggestion—he immediately wrote a letter to the

Punjab Government saying that he has no connection whatsoever with the Unionist Party and that he will henceforth sit as an Independent member in the Punjab Assembly. I admit, Sir, this is no great credit ; that there is no merit in a person merely because he has not opposed the Muslim League ; Sir, it is not that. I am not justifying his inclusion ; I am saying that it was necessary that he should be included for reasons which have nothing to do with his person. Today, the present Cabinet of Pakistan had found it advisable to make him Minister for Kashmir Affairs. Now, Sir, that is one of the most important Ministries in the country. In fact as far as the emotions of the Muslim people are involved it is the most important Ministry. He was put in charge of that Ministry. It is for the Cabinet to judge how well he performed that function ; I cannot say anything about that. But, later on, he was sent on a tour of European countries and to America. I believe he did good work there and he was the accredited representative of Pakistan, who explained the policy of Pakistan in regard to Kashmir to the foreign countries. Now, Sir, if today that man should come back here and applies for a ticket to the Assembly and the Muslim League should not deign to give him that ticket, just imagine, Sir, what damaging and disastrous effect that would have on the prestige of the Muslim League administration ; what a harmful effect it would have on the position—whether Sardar Shaukat Hyat and Mian Iftikharuddin liked it or not—to

Mian Muhammad Iftikharuddin : Make him a Governor.

Mian Mumtaz Mohammad Khan Daultana : If we did not recognise his responsible character, it will be said here is a man who was put in charge of the most important, the most controversial portfolio in the Cabinet and was most closely connected with the Kashmir Affairs, and how irresponsible these people are that when he comes back after doing good work he is thrown out by the Muslim League Party, of which the Government is the nominee. Now, Sir, I say that the Central Parliamentary Board, even if Mr. Mushtaq Ahmad Gurmani was not a good choice, I think did their duty to the Muslim nation by showing to the world that the people of Pakistan have full confidence in the present Kashmir policy and that they fully support their Government in everything that they have hitherto done about Kashmir and will do so in future. Therefore, I think, Sir, that his inclusion was inevitable and, as I believe, Sir, the Punjab Muslim League realised this. The Punjab Muslim League did not reject Mr. Mushtaq Ahmad Gurmani's name. The Punjab Muslim League on the other hand said that they had not received his application in proper form—they took a technical objection—but they had nothing to say about his application. They sent his application to the Central Parliamentary Board in the hope that its merits will be discussed by the Central Parliamentary Board directly. It was not rejected. Therefore, the international situation had made it inevitable—whatever my opinion of Mr. Mushtaq Ahmad Gurmani—it had made it inevitable that he should be included and once that logical step was taken, the other names for local representatives could not be considered, I have no doubt that if there were other seats open to be filled, the choice of the Punjab Board would have been given enormous importance.

Now, Sir, in conclusion I would only like to say two things : first, that the Central Parliamentary Board has two members from the Punjab—not unrepresentative people, Sir—people who have been unanimously elected by the Pakistan Council. Now, Sir, these two representatives unanimously adopted all the six names now sent up and further

[Mian Mumtaz Mohammad Khan Daultana.]

that it was the unanimous recommendation of the entire Board, and I am proud that our nominees should have the confidence of the representative people from all over Pakistan. This is also the status of us who are sitting in the House today. We, the present members present here, were not chosen by any local body or local Board; we are chosen by the Central Parliamentary Board. Similarly, Sir, I think it is an admirable thing that we are intending to adopt a unanimous recommendation of the Central Parliamentary Board, in which the two Punjab members unanimously participated.

The second point is this. A debate has taken place in this House; I do not want it to leave a bitter taste in the mouth of anybody in the Punjab. You see, Sir, it was never—I don't think it was ever—the intention of the Central Parliamentary Board in any manner to slight the Punjab Provincial Muslim League Working Committee. According to the Constitution, Sir, the position is that the Working Committees of the Provinces do not select the candidates, because if they selected candidates, then there would be no question of a reference to the Central Board. The actual choice is of the Central Parliamentary Board and mere recommendations and suggestions are sent up by provincial boards. There is no disrespect meant to a provincial organization if the Central organization does not agree with a particular recommendation—no disrespect whatsoever. Sir, as I have pointed out, the moment the Central Board found that they did not agree with the principle—that the people who had gone to the Indian Constituent Assembly should be bodily lifted and sent to the Pakistan Constituent Assembly—once they had disagreed with that point, they did their best to see that the persons who are elected—are sent here—visibly enjoy the confidence, the trust and the honour of the present leaders and of the Punjab Provincial Muslim League, and, therefore, I think, Sir, it was a correct decision.

Now, Sir, there were certain remarks of a personal nature made by my friends and I really do not want to say very much about them, because in the Punjab, of course where we all live, it is for the people to decide, as they will no doubt decide, between all of us and, of course, it is not for us to inflict here upon you, or to give the impression here to you, Sir, that there are differences of an unsavoury nature between us. But, I am sure, Sir, that we in the Punjab will in good time be able to resolve our differences and to give the Punjab the predominance and the ascendancy that it deserves in the affairs of Pakistan. But, Sir, on this matter the only thing I would like to object and criticise—it does not lie in the mouth of my friends to say this—I do not owe allegiance to them; although my love for them is great. I owe allegiance only to one organization and that is the Muslim League. And before the bar of the Muslim League I am always willing to stand; before the bar of the Muslim League I can challenge anything said against me because, Sir, throughout my career, which has been a very short and not a particularly distinguished one—and it should be so, because with people who are young and inexperienced a lot of things have to be learnt and unlearned—I may have made mistakes—we all do at times—but there is one thing which I would like to emphasise: I have never gone to the slightest extent—in the slightest detail—against the discipline of the Muslim League organization. (*Applause.*)

Mian Muhammad Iftikharuddin: Because you can intrigue from within.

Mian Mohammad Mumtaz Khan Daultana : Now, Sir, I will not take notice of that ! It is delightful for me, Sir. It gives me pleasure to listen to the outbursts and spasms of Mian Iftikharuddin. They have given me pleasure for the last ten years.

An Honourable Member : By sheer absurdity.

Mian Mumtaz Mohammad Khan Daultana : We may say anything in this House but in private company we will always be friends. I have too deep respect for my friends over there.

Therefore, it is only before the Muslim League that I hold myself responsible whether it is the Provincial Muslim League of the Punjab or the Pakistan Muslim League and if this venerable organization finds any portion of my conduct incorrect, I, Sir, will not sever my connection from the organization but I will submit to that discipline. I would willingly, Sir, go down to the lowest rung in the Muslim League. If it is necessary I will leave all my aspirations behind me. I will not go out for any offices in the Punjab Muslim League or the Pakistan Muslim League. The whole point is this that we have to submit to the discipline of a respected and great organization. That is the only one test. I regret, Sir, that I have permitted myself a few sharp words. I do not want to finish on that note. I merely wish to say that Sardar Shaukat Hyat Khan and Mian Iftikharuddin are still respected Members of the Muslim League and I suggest, Sir, that it is not yet too late for them to reconsider their position. They have done great work—Sardar Shaukat Hyat Khan has done very great work for the Muslim League. Sir, I suggest that even if they have differences with certain organizational parts, certain portions of the Muslim League, they should not get exasperated ; they should not get embittered because after all let me point out and respectfully submit that they are no doubt very important members but howsoever important they may be they are only drops in the ocean. It is the ocean of the Muslim League that is important. They are important drops—may be pure drops. Nevertheless the importance, and value of the drop is in the ocean and they must come back and work in the Muslim League according to the strict discipline of the Muslim League. They must bear in mind that although after the stress and difficulties of partition and independence that followed soon after the creation of Pakistan evils have crept into the Muslim League Organisation, difficulties have been created but I am sure if we all resolve to work together and if we do not act on the foolish principle that ; “Only I am correct,” and we do not feel that “whatever lead I give only that can be correct” because the vilest and most harmful thing is the mirage of omniscience and self-righteousness and therefore, Sir, if we could work on the basis of disciplined co-operation, I am sure that nobody would be happier than me to welcome them back in our ranks. And I therefore sincerely hope that they will act in accordance with their conscience to strengthen the Muslim League and to preserve it, as it undoubtedly is, the most representative and the most honoured organization in Pakistan.

Sardar Shaukat Hyat Khan : Sir, I have to reply

Mr. President : No, no. There is no right of reply in respect of an amendment.

Sardar Shaukat Hyat Khan : Sir, it was a resolution and it is not an amendment.

Mr. President : I do not think that you have got a right to reply. Can you point out any rule ?

An Honourable Member : There is no need to quote any rules.

Mr. President : No. There is no rule ; I am sure of that.

The Honourable Mr. Liaquat Ali Khan : Sir, it is not necessary for me to say anything after the able and logical exposition of the proposition before the House, that has been made by Mian Mumtaz Mohammad Daultana. I would justified be in detaining the House any longer at this late hour.

Mr. President : I wish to put the amendments first of all.

The question is :

"That in part (a) of the motion, for the names and addresses mentioned against Nos. 2, 3 and 4 respectively, the following be substituted :—

'Choudhi Mohd, Hasan, Advocate of Ludhiana now in Lahore,
Sheikh Mahbub Elahi, *Ex-Agriculture Engineer*, Lyallpur.
Maulana Daud Ghaznavi, Lahore'."

The motion was negatived.

Mr. President : The question is :

"That in part (a) of the motion, the fifth name and address, namely, 5. Mr. Abdul Wahid Khan, Central Arms and Autos Stores, Nila Gumbad, Lahore,' be omitted and that the co-option for this seat be postponed till 13th April, 1950."

The motion was negatived.

Mr. President : Now I put the main motion. The question is :

"That this Assembly do co-opt as Members of the Constituent Assembly of Pakistan, under the provisions of Rule 6(10) read with Rule 6A, of the Constituent Assembly Rules, the following persons, namely—

- (a) 1. Sufi Abdul Hamid, Women's House, Female Jail, Lahore ;
2. Choudhri Ali Akbar, Advocate, Govindpura, Lyallpur ;
3. Sheikh Sadiq Hasan, 48, Lower Mall, Lahore ;
4. Mr. Ghulam Bhik Nairang, 29-A, Queens Road, Lahore ;
5. Mr. Abdul Wahid Khan, Central Arms and Autos, Nila Gumbad, Lahore ;

to fill the additional seats allotted to the Muslims of the Punjab in the Constituent Assembly of Pakistan ;

- (b) Mr. Mushtaq Ahmad Gurmani, 18, Victoria Road, Karachi ;

to fill the seat rendered vacant by the death of Quaid-i-Azam Mohammed Ali Jinnah in the Constituent Assembly of Pakistan ;

- (c) Mr. B. L. Rallia Ram, President, All-Pakistan Christian League, c/o Y. M. C. A., Havelock Road, Lahore,

to fill one of the three General seats allotted to the Punjab in the Constituent Assembly of Pakistan."

The motion was adopted.

Mr. President : The House stands adjourned till 5-30 P.M. on the 12th April next.

The Assembly then adjourned till Half Past Five of the Clock, on Wednesday, the 12th April, 1950.

Copies of the Acts, Pamphlets, White Papers and Debates of the Constituent Assembly (Legislature), and the Constituent Assembly of Pakistan are obtainable on sale from the Manager, Governor-General's Press and Publications, Government of Pakistan, Karachi.
